

CARROLL O. SWITZER

JUNE 19, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. JONAS, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 623]

The Committee on the Judiciary, to whom was referred the bill (H. R. 623) for the relief of Carroll O. Switzer, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is that, notwithstanding section 1204 of the General Appropriation Act, 1951, or any other provision of law, there shall be paid, out of any appropriation available for payment of salaries of judges of the district courts of the United States, to Carroll O. Switzer a sum representing the salary of a judge of a district court of the United States for the period which the said Carroll O. Switzer served as district judge for the southern district of Iowa after August 9, 1950.

STATEMENT OF FACTS

It appears that Mr. Switzer received a recess appointment as judge of the district court for the southern district of Iowa and entered upon his duty on October 29, 1949. His nomination, submitted to the Senate on January 3, 1950, was rejected on August 9, 1950. Judge Switzer resigned his office effective at the close of business December 26, 1950.

The bill would provide that, notwithstanding section 1204 of the General Appropriation Act, 1951, Carroll O. Switzer shall be paid for his service as judge after August 9, 1950. The General Appropriation Act, 1951 (Public Law 759, approved September 6, 1950), prevented Mr. Switzer from receiving compensation for his services to the Government from August 9, 1950, to December 26, 1950, inclusive.

The Department of Justice in its report states:

In view of the fact that Mr. Switzer undeniably and in good faith rendered a valuable service to the United States by serving as judge of the District Court for the Southern District of Iowa, he should be fully compensated for such service, and this Department urges the enactment of H. R. 623.

In view of the most favorable attitude of the Department of Justice toward this legislation, therefore, your committee concurs in the recommendation of the Justice Department and recommends favorable consideration of the bill.

DEPARTMENT OF JUSTICE,
Washington, April 27, 1951.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: The Department of Justice recommends the enactment of the bill (H. R. 623) for the relief of Carroll O. Switzer.

Mr. Switzer received a recess appointment as judge of the district court for the southern district of Iowa and entered upon his duty on October 29, 1949. His nomination, submitted to the Senate on January 3, 1950, was rejected on August 9, 1950. Judge Switzer resigned his office effective at the close of business December 26, 1950.

The bill would provide that, notwithstanding section 1204 of the General Appropriation Act, 1951, Carroll O. Switzer shall be paid for his service as judge after August 9, 1950. The General Appropriation Act, 1951 (Public Law 759, approved September 6, 1950) prevented Mr. Switzer from receiving compensation for his services to the Government from August 9 to December 26, 1950, inclusive.

In view of the fact that Mr. Switzer undeniably and in good faith rendered a valuable service to the United States by serving as judge of the District Court for the Southern District of Iowa, he should be fully compensated for such service, and this Department urges the enactment of H. R. 623.

The Director of the Bureau of the Budget has advised that there is no objection to the submission of this recommendation.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

STATE OF IOWA,
County of Polk, ss:

I, Carroll O. Switzer, being first duly sworn on my oath, depose and state that I am one and the same person as the Carroll O. Switzer who qualified in pursuance of an interim appointment and served as United States judge for the southern district of Iowa for the period commencing October 27, 1949, to and including December 26, 1950, upon which said latter date, my successor became duly qualified.

I do further state that I have received no compensation from the United States of America, or from any of its agents or agencies, for the judicial service so performed by me covering the period beginning August 9, 1950, to and including December 26, 1950.

I continued my judicial service from August 9, 1950, and continuously discharged the functions of United States judge in and for the southern district of Iowa until December 26, 1950, so that there would not be a vacancy or a discontinuance of the normal functions of the court until my successor became duly qualified.

All of the above statements are made from my own personal knowledge.

CARROLL O. SWITZER.

Subscribed and sworn to before me this 19th day of January 1951.

[SEAL]

MARJORIE HENDRICKS,
Notary Public in and for Polk County, Iowa.

My commission expires July 4, 1951.